

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 23-0600 JGB (SHKx)**Date **March 7, 2024**Title ***Ernie Calhoon v. State Bar of California, et al.***Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE****MAYNOR GALVEZ**

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: Order to Show Cause re Dismissal for Lack of Prosecution
(IN CHAMBERS)**

On April 4, 2023, plaintiff Ernie Calhoon (“Plaintiff”) filed a complaint against defendants State Bar of California (“State Bar”), Supreme Court of California, Courts of Appeals, Superior Courts, judicial Branches, and Does 1-500 (collectively, “Defendants”). (“Complaint,” Dkt. No. 1.)

On July 3, 2023, Plaintiff filed a “proof of service” as to the State Bar—however, the State Bar was not properly served. (See Dkt. Nos. 10, 13.) On September 5, 2023, the Court ordered Plaintiff to file a first amended complaint no later than September 11, 2023. (Dkt. No. 23.) On September 11, 2023, Plaintiff filed a first amended complaint against Defendants. (“FAC,” Dkt. No. 24.)

On September 25, 2023, defendants Courts of Appeal, Superior Courts, and Supreme Court of California (collectively, “Judicial Branch Defendants”) filed a motion to dismiss Plaintiff’s FAC. (“MTD,” Dkt. No. 29.) On January 18, 2024, the Court granted the MTD and dismissed the FAC as to the Judicial Branch Defendants. (“MTD Order,” Dkt. No. 45.)

On January 30, 2024, summons was issued for the FAC as to the State Bar. (“Summons,” Dkt. No. 48.) To date, Plaintiff has failed to serve the State Bar with the Complaint or FAC.

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. Fed. R. Civ. Proc. 4(m). Generally, defendants must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed R. Civ. Proc. 12(a)(1).

Plaintiff has failed to comply with Federal Rule of Civil Procedure 4(m). Accordingly, the Court, on its own motion, orders Plaintiff to show cause in writing on or before **March 15, 2024**, why this action should not be dismissed as to the State Bar for lack of prosecution. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by the plaintiff is due. Failure to timely or adequately respond to this Order may result in the dismissal of this action in its entirety.

IT IS SO ORDERED.